

# **TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP, Development Services Director: 797-1101

**SUBJECT:** Resolution

**TITLE OF AGENDA ITEM:** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 98-654 FROM \$10,000.00 IN AMOUNT TO \$1,159.19; AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The property owner was cited for violations of the Town of Davie Code. Those violations are: (1) Section 11-17: Derelict property prohibited within municipal limits of Town; (2) Section 12-32: Non-permitted use prohibited (vehicle repairs in a residential district; (3) Section 12-32: Non-permitted use prohibited (vehicle storage yard in a residential district). The violations have been corrected and mitigation is now acceptable.

Date respondent cited:	November 20, 1998
Date of Final Order:	January 8, 1999
Non-Compliance Hearing:	February 2, 1999
Fine/Lien Imposed:	\$10,000

**PREVIOUS ACTIONS:** Not Applicable

**CONCURRENCES:** The Respondent agrees with the staff mitigation guidelines.

**FISCAL IMPACT:** Not Applicable

**RECOMMENDATION(S):** Motion to approve the resolution

**Attachment(s):** Resolution, Mitigation request Summary

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 98-654 FROM \$10,000 IN AMOUNT TO \$1,159.19; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, O. Kent Hilliard, requested a mitigation of a Code Compliance lien from \$10,000 to \$1,159.19; and

WHEREAS, the Town of Davie Code Compliance Division has determined that the violation of Code Sections 11-17, 12-32 (vehicle repairs) and 12-32 (vehicle storage yard) were corrected; and

WHEREAS, the Town of Davie Code Compliance Division staff suggested that based upon recommended mitigation guidelines, the mitigation of the original lien be from \$10,000 to \$1,159.19; and

WHEREAS, O. Kent Hilliard, and the Town of Davie Code Compliance Division are agreeable to such mitigation; and

WHEREAS, the Town Council is agreeable to such mitigation.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That the certain Code Compliance lien arising out of Case 98-654 in the amount of \$10,000, against O. Kent Hilliard, is hereby mitigated in amount to \$1,159.19.

SECTION 2. That this mitigated amount of \$1,159.19 be paid to the Town within 45 days of the enactment of this Resolution. Should this amount of \$1,159.19 not be paid within the specified time the lien shall revert to the original amount of \$10,000.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001.

\_\_\_\_\_  
MAYOR/COUNCIL MEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001.

## MITIGATION REQUEST SUMMARY

DATE: February 13, 2001  
NAME: O. Kent Hilliard  
ADDRESS: 4200 SW 54 Avenue  
CASE: 98-654

### SUMMARY:

Date respondent cited:	November 20, 1998
Date of Final Order:	January 8, 1999
Non-Compliance Hearing(s):	February 2, 1999
Fine/Lien(s) Imposed:	\$10,000

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Department Guideline recommended mitigation amount:	\$ 1,159.19
Amount the respondent desires to pay:	\$ 1,159.19
Date of Mitigation Hearing by Special Master:	N/A

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The property owner was cited for the following violations of the Town of Davie Code:

- 1) Section 11-17: Derelict property prohibited within municipal limits of Town;
- 2) Section 12-32: Non-permitted use prohibited (vehicle repairs in a residential district).
- 3) Section 12-32: Non-permitted use prohibited (vehicle storage yard in a residential district).

The violations have been corrected and mitigation is acceptable.

The mitigated amount will cover the Town's expenses and the recommended mitigation amount of \$1,159.19 should be considered and approved by the Town Council and the respondent given 45 days to pay the mitigated amount.

DANIEL J. STALLONE  
CODE COMPLIANCE OFFICIAL